

\_\_\_\_\_ **Unusually Susceptible Plaintiff**

You must decide the full amount of money that will reasonably and fairly compensate Lisa Black for all damages caused by the wrongful conduct of Jim Brewer, even if Lisa Black was more susceptible to injury than a normally healthy person would have been, and even if a normally healthy person would not have suffered similar injury.

**SOURCES AND AUTHORITY**

- CACI 3928
- “That a Plaintiff without such a [preexisting] condition would probably have suffered less injury or no injury does not exonerate a defendant from liability.”  
(Ng v Hudson (1977) 75 Cal.App.3d 250, 255 [142 Cal.Rptr. 69], internal citations omitted, overruled on another ground in Soule v. General Motors (1994) 8 Cal.4<sup>th</sup> 548, 574 [34 Cal.Rptr.2d 607, 882 P.2d 298].)
- “The tortfeasor takes the person he injures as he finds him. If, by reason of some preexisting condition, his victim is more susceptible to injury, the tortfeasor is not thereby exonerated from liability.” (Rideau v. Los Angeles Transit Lines (1954) 124 Cal.App.2d 466, 471 [268 P.2d 772], internal citations omitted.)

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